

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 4:17CR49 CDP
)	
TOMMIE ANDERSON,)	
)	
Defendant.)	

ORDER

This matter is before the Court on defendant Tommie Anderson's motions to suppress evidence and statements. Pursuant to 28 U.S.C. § 636(b), the motions were referred to United States Magistrate Judge John M. Bodenhausen. Judge Bodenhausen held an evidentiary hearing on May 26, 2017, and after receiving supplemental filings, issued his Report and Recommendation. Judge Bodenhausen recommended that the motions be denied. Defendant Anderson, through counsel, filed a timely objection.

I have conducted *de novo* review of the motion and all evidence and legal argument relating to it, including reviewing the transcript of the hearing and the exhibits. After fully considering the motion, the evidence, and the Report and Recommendation, the Court will adopt and sustain the thorough reasoning of Magistrate Judge Bodenhausen set forth in support of his recommended rulings.

In particular, I agree that Robert Poole was competent to and did knowingly and voluntarily consent to the search that resulted in the seizure of the firearm. Although Mr. Poole has disabilities, he had the capacity to consent and did so. Moreover, the law enforcement officers reasonably believed he had the capacity to consent. I further agree that to the extent Marilyn Sumpter may have attempted to revoke the consent to search the premises, any attempt by her to do that took place after the firearm was found and seized. The motion as it relates to the evidence seized from Ms. Sumpter's home is denied.

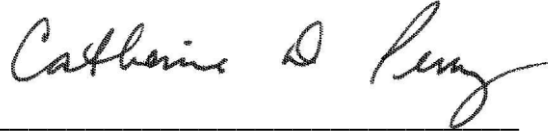
Additionally, the evidence presented shows that defendant's statements were made after full advice of his *Miranda* rights, and the statements were made voluntarily. No evidence supports the argument that he was on pain medication or otherwise might not have understood what he was saying or his right to remain silent.

Finally, Lisa Akin knowingly and voluntarily consented to the search of her house, so any items of evidence that were located there will not be suppressed.

Accordingly,

IT IS HEREBY ORDERED that the Report and Recommendation of the United States Magistrate Judge [43] is **SUSTAINED, ADOPTED, and INCORPORATED** herein.

IT IS FURTHER ORDERED that defendant's motions to suppress evidence and statements [21, 41] is denied.

A handwritten signature in black ink, reading "Catherine D. Perry". The signature is written in a cursive style with a horizontal line underneath.

CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 21st day of August, 2017.